

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – June 18, 2013**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:15 P.M.

Roll Call: Torres, McDonald, Higgins, Thompson  
Gleba at 6:45pm, Conry at 7:05pm  
Absent – Jewell

Also Present: Kristine Blanchard, Acting Manager/Borough Clerk  
Borough Attorney

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

**EXECUTIVE SESSION:**

**1. Resolution 130-2013**

**RESOLUTION # 130-2013**  
**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the

Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_ A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ personnel \_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_)

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body,

where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Motion made by Torres, seconded by Higgins to enter into Executive Session.

Ayes: 4, Nays: 0  
Motion Carried

**CORRESPONDENCE:**

**1. Finelli Consulting Engineers: Broad Street and South Lincoln Ave At-Grade Crossings**

Motion made by Higgins, seconded by Gleba to receive and file the correspondence.

Ayes: 5, Nays: 0  
Motion Carried

**MINUTES:                    Regular Meeting May 7, 2013**

Motion made by Gleba, seconded by Thompson to approve the minutes of May 7, 2013.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTIONS:**

**Resolution 132-2013 Granting Permission for a Fireworks Display in the Borough of Washington.**

Mayor McDonald explained that the Council had received a request from Washington Celebrates America to review their request early in the meeting.

Mr. Rich McGuire from Washington Celebrates America addressed Council, stating that they have a great celebration planned for the 4<sup>th</sup> of July, and asked for permission for the day.

**RESOLUTION #132-2013**

**RESOLUTION GRANTING PERMISSION FOR A  
FIREWORKS DISPLAY IN THE  
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America Inc. have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Thursday, July 4, 2013** with a **Rain Date of Sunday, July 7, 2013**.

**BE IT RESOLVED**, that the Borough Council has agreed to name Washington Celebrates America Inc. as additional insured for the following events to be held in the Borough of Washington.

Orange Crate Derby – Thursday July 4, 2013; Rain Date Sunday July 7, 2013  
Location: Broad St. and Borough Park Entrance

Parade – Thursday July 4, 2013; Rain Date Sunday July 7, 2013  
Location: Rt. 31 and Broad St. to Belvidere Ave. to Carlton Ave.

**BE IT RESOLVED**, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance.

Resolution #132-2013 was moved on a motion made by Gleba, seconded by Torres to grant permission for a Fireworks Display in the Borough of Washington and approved.

Ayes: 6, Nays: 0  
Motion Carried

**AUDIENCE:**

Robin Jacoby and  
Jennifer Feldman  
19 Prosper Way

Ms. Jacoby commented that at the last council meeting (June 5, 2013), the Council had recommended that Ms. Jacoby and Jennifer go to the Recreation Committee. Ms. Jacoby explains that her daughter (Jennifer) could not attend the meeting, so Ms. Jacoby attended in place of Jennifer, and read the documents that Jennifer had read to council to the recreation committee. Ms. Jacoby then proceeded to read a letter to Council. In the letter, she explains that at the previous Council meeting, her daughter Jennifer asked questions about the hiring process utilized by the Park Director. Ms. Jacoby stated that her daughter had applied for Pool Manager/Supervisor, and has had 10 years of experience. She explains that the Park Manager displayed a lack of respect by not returning numerous phone calls and an email. Ms. Jacoby then explained that her daughter had asked Council how the Borough was an equal opportunity employer, if everyone is not given an equal opportunity. Ms. Jacoby continued to detail her account of what her daughter said to Council at the last council meeting, discussing the possible reasons her daughter was not hired. Ms. Jacoby asks if it may have had something to do with her daughter calling the police when she smelled marijuana on the premises. Ms. Jacoby explains that she attended the Recreation Committees meeting on behalf of her daughter, and was met with total disrespect. Ms. Jacoby gave a detailed account of disrespect received at this meeting.

Jennifer then discusses her phone conversation with the Park Director, asking why she was not hired. She explained that she asked how many management positions were available and was told initially 4, but later 5 were hired. Jennifer asked how many applications were received, and the Park Director answered 13 or 14. Jennifer said that the Park Director did not know what the criteria was used in selecting applicants for the interviews. The Park Director informed her that her application was received after the others were hired. The Park Director then explained that her personal experience with Jennifer was that she brought disrespect to the position. Jennifer then asked to clarify, if she would be hired, and the Park Director said no. The Park Director then said you can call back with questions, but hiring is complete and all the positions are full.

Ms. Jacoby states that the Park Director has come up with excuses regarding hiring decisions. She questioned why were the positions not advertised in the Star Gazette and Express times, as is the Borough practice and policy? Ms. Jacoby believes that the hiring practices regarding her daughter Jennifer were a violation of her daughters civil rights, as the Borough was not acting as an equal opportunity employer.

Jennifer then explains that she wants to know the facts of the situation, the date of the job advertisements, the dates that other job applications were received, the dates of other interviews and the dates of the phone calls that were made to previous employees. She then states that the Park Director contacted previous employees prior to them submitting job applications and those previous employees should be discounted because they had an unfair advantage.

Mayor McDonald explained that New Jersey is a right to work state, and they can hire or fire at any time or for any reason, and does not know of any reason why the Park Director would be required to contact Jennifer or any other person. He explained that it was the Park Director's decision that is the way the law works. Mayor McDonald responded that Council had the Park Director give a response.

Councilman Torres stated that he had attended the recreation committee meeting as well, and explained that he can verify what Ms. Jacoby has said. He explained that he noticed an air of disrespect, and he apologized for that from the Borough.

Municipal Attorney Kopen stated that comments about Borough employees should not be made without giving them adequate notice that their performance will be discussed.

Councilman Torres explained that the best thing to do would be to ask the Park Director to come to a council meeting to answer questions about the issue.

The Municipal Attorney explained that the Park Director is hired by the Board of Recreation Commissioners, and the Borough Manager has general personal responsibility over Borough personnel, and if the Manager wanted to ask any questions, the Manager would be able to do that if proper notice were given. The Municipal Attorney also noted that she believes the recreation commission would be able to give the notice to the Park Director as well.

Councilman Higgins believes this is a formal complaint. He then asked for a quick definition of equal employment opportunity and civil rights and how they work together.

The Municipal Attorney explained that employees can be hired or terminated for any reason or no reason as long as the reason is not an illegal reason, regarding protected classes. She explained that the civil right aspect works together with the equal employment opportunity.

Ms. Jacoby questioned why her daughter was not rehired.

Council asked why she believes her daughter was not rehired. Ms. Jacoby explained that she will not answer that question. She explains that her daughter was rehired for 9 years, and now she is not being rehired.

Council then said Jennifer can send an OPRA request for the information that she would like.

The Borough Manager explained that Jennifer had emailed her, but only requested information regarding the ad for employment, and if she would like the other information she would have to send a request for that information via written communication.

Council discussed that the Borough Manager has general personnel responsibility, and they would like the chairperson to come before council to answer questions.

The Borough Manager explained the complaint process comes to her first, and then the Borough Manager can handle it before the Park Director comes before Council. The Borough Manager also explained that the Park Director is a commission employee, so if anyone were to take action it would be the recreation commission. The Municipal Attorney stated that she agrees with the Manager.

The Municipal Attorney explained that the duties of the Manager are to investigate any affair, office employee, department or board of municipality. The Manager serves as personal director for the municipality. However, the ordinance relating to the Board of Recreation Commissioners says that the Board of Recreation appoints such personnel as may be required to carry out the responsibilities of the board of recreation commissioners. The powers and duties of the recreation director state that the director hires all recreation employees in consultation with the Board of Recreation Commissioners. Specifics of hiring is given to the Board of Recreation Commissioners, and they have separate powers while the Borough Manager is the personnel director. The Municipal attorney asked Ms. Jacoby and Jennifer if they understood. They replied that they understood, but did not agree. They believed that the Borough Manager is the person in charge. The Municipal Attorney explained that with the commission, the Board of Recreation is in charge of hiring decisions for the recreation department.

Ms. Jacoby explained that they are not happy and they are not getting answers.

Council explained that Ms. Jacoby and Jennifer should file a formal complaint, and the Borough Manager would investigate the complaint and a response to the formal complaint in writing.

Higgins motioned to close the audience portion of the meeting, seconded by Conry.

Ayes: 6, Nays: 0  
Motion Carried

**ORDINANCES:**

**1. Ordinance 4-2013 An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$366,500 For Such Purposes (Public Hearing/Adoption)**

Motion made by Gleba, seconded by Torres.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

The Clerk read Ordinance 4-2013 by title: Ordinance 6-2012 An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$366,500 For Such Purposes.

Mayor McDonald opened the floor to the Audience for public hearing.

Hearing no comments, a motion was made by Higgins, seconded by Conry to close the public hearing.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

Motion made by Higgins, seconded by Torres, to adopt Ordinance 4-2013.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

**2. Ordinance 5-2013 An Ordinance Authorizing the Sale of Surplus Land (Introduction)**

Mayor McDonald entertained a motion to introduce Ordinance 5-2013 and have the Clerk read by title only.

Motion made by Higgins, seconded by Thompson to introduce Ordinance 5-2013 and have the Clerk read by title only.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

The Clerk read Ordinance 5-2013 by title: An Ordinance Authorizing the Sale of Surplus Land

Mayor McDonald entertained a motion to approve on first reading.

Motion made by Higgins, seconded by Conry .

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

The Clerk stated that the Public Hearing of Ordinance 5-2013 will be July 16, 2013 and Advertisement of the Public Hearing in the Star Gazette on June 28, 2013.

Motion made by Higgins, seconded by Conry .

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson

Ayes: 6, Nays: 0  
Motion Carried

### **REPORTS:**

Motion was made by Higgins, seconded by Torres to receive and file the following reports:

1. Borough Managers Report
2. Warren County Board of Health
3. Municipal Court Report
4. Washington Township Police Report – April, May
5. DPW Monthly Report- May

Ayes: 6, Nays: 0  
Motion Carried

Council asked if there was an update regarding the Animal Control Officer. The Borough Manager explained that there is a provisional hire, however they are looking into a shared service agreement with Washington Township and Oxford.

### **NEW BUSINESS:**

**Approval of Library Shared Services Agreement July 1, 2013-June 30, 2014**

Motion made by Gleba, seconded by Conry to approve the Library Shared Services agreement for July 1m 2013- June 30, 2014.

Councilman Higgins question why the Borough was paying 49.9% of the costs.

Borough Manager Blanchard explained that this was discussed at the time that the original contract was created. The Manager will review past minutes to determine the reason.

Roll Call: Gleba, Torres, McDonald, Conry, Higgins, Thompson  
Ayes: 6, Nays: 0  
Motion Carried

**Approval of New Policy to be included in By-Laws – Recreation Commission**

Motion made by Higgins, seconded by Gleba, to approve the new policy to be included in the By-Laws- Recreation Commission.

Council asked if the Recreation By-Laws are policy. Municipal Attorney clarified that it is by-laws, subject to approval by Borough Council.

Council asked if this would be considered a gift because it is not a salary. The Municipal Attorney clarified that it was a benefit.

Roll Call: Aye: McDonald, Conry, Higgins  
Nay: Torres, Gleba, Thompson  
Ayes: 3, Nays: 3  
Motion Failed

**Resolution 119-2013 Redemption of Tax Certificate**

**RESOLUTION # 119-2013**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS,** lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2012 to US Bank Cust Pro Capital I LLC, TLSG, 50 S 16<sup>th</sup> Street Suite 1950, Philadelphia, PA 19102, in the amount of \$701.17 for taxes or other municipal liens assessed for the year 2011 in the name of Bernet, Marwa, as supposed owner, and in said assessment and sale were described as 109 Park Avenue, Block 82 Lot 20.06, which sale was evidenced by Certificate #12-00049; and

**WHEREAS,** I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-05-13 and before the right to redeem was cut off, as provided by law, Ocwen Loan claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital I LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,616.01, which is the amount necessary to redeem Tax Sale Certificate #12-00049.

**NOW THEREFORE BE IT RESOLVED,** on this 18<sup>th</sup> day of June, 2013 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital I LLC in the amount of **\$1,616.01.**

Resolution #119-2013 was moved on a motion made by Torres, seconded by Higgins and approved.

Roll Call: Gleba, Torres, McDonald, Thompson, Conry, Higgins  
Ayes: 6, Nays: 0  
Motion Carried

### **Resolution 120-2013 Refund Overpayment on 2009 Taxes**

#### **RESOLUTION #120-2013**

#### **A RESOLUTION TO REFUND OVERPAYMENT ON 2009 PRIOR YEAR REAL ESTATE TAXES**

**WHEREAS,** according to the Tax Collector's records, there is an overpayment of \$1,920.38 on 2009 3rd Quarter Regular Taxes paid on property located at 11 Christine Place, also known as Block 2.05 Lot 1, and in the name of Heckscher, Maurice II; and

**WHEREAS,** Mr. Heckscher and Bank of America both paid the taxes for the 2009 3<sup>rd</sup> quarter; and

**WHEREAS,** the Tax Collector has been resolving the matter of tax overpayments and has received a request from the owner requesting the overpayment be refunded to him.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,920.38 payable to:

Resolution #120-2013 was moved on a motion made by Higgins, seconded by Torres and approved.

Roll Call: Gleba, Torres, McDonald, Thompson, Conry, Higgins  
Ayes: 6, Nays: 0  
Motion Carried

**Resolution 121-2013 Waving Interest on Sewer Payments due to Post Office delivery**

**RESOLUTION # 121-2013**

**A RESOLUTION AUTHORIZING THE INTEREST WAIVED ON  
19 SEWER PAYMENTS DUE TO MAIL DELIVERY DAMAGE BY  
THE POST OFFICE**

**WHEREAS**, according to the Tax Office, an envelope containing 19 online sewer payments was delivered via regular postal service on May 28, 2013. All 19 checks were damaged and could not be identified to specific Washington Borough sewer accounts and;

**WHEREAS**, the Online Bill Payment Center was promptly contacted and all 19 checks were mailed back to the Online Bill Payment Center, with the Tax Office's written request for replacement checks; and

**WHEREAS**, the Borough Tax Office was notified that the damaged checks were voided at the Online Payment Center and PNC's Online Banking sent letters to the homeowners, advising them to reissue another check.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Tax Collector is authorized to waive the interest charges on the 19 sewer accounts through June 28, 2013, since the original payment was received prior to the 2<sup>nd</sup> quarter billing date. A list of the 19 checks will be attached for auditing purposes.

Resolution #121-2013 was moved on a motion made by Higgins, seconded by Thompson and approved.

Ayes: 6, Nays: 0  
Motion Carried

**Resolution 122-2013 Approval of ABC License Enzo's**

**RESOLUTION #122-2013**  
**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.  
t/a Enzo's Restaurant & Pizzeria  
328 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**Resolution 123-2013 Approval ABC License Felix's Tavern**

**RESOLUTION #123-2013**  
**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.  
t/a Felix's Tavern  
101 East Washington Ave.  
Washington, NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

**Resolution 124-2013 Approval ABC License Mediterranean Bistro**

**RESOLUTION #124-2013**  
**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption**

**License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc  
t/a Mediterranean Bistro  
301 W. Washington Ave  
Washington, NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**Resolution 125-2013 Approval ABC License Scotty's Stadium Club**

**RESOLUTION #125-2013**  
**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;  
t/a Scotty's Stadium Club  
15 Belvidere Ave.  
Washington NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**Resolution 126-2013 Approval ABC License Washington Discount Liquors**

**RESOLUTION #126-2013**  
**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors L.L.C.  
66 Route 31  
Washington NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**Resolution 127-2013 Approval ABC Warren County Discount Liquor and Grocery**

**RESOLUTION 127-2013**  
**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.  
260 W. Washington Ave  
Washington, NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.

- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #122-2013, #123-2013, #124-2013, #125-2013, #126-2013, #127-2013 were moved on a motion made by Higgins, seconded by Torres and approved.

Ayes: 6, Nays: 0  
Motion Carried

**Resolution 129-2013 Adjustment to Sewer Billings – Change in Use**

**RESOLUTION # 129-2013**  
**A RESOLUTION TO ADJUST SEWER BILLINGS IN**  
**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.’s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	
<b>REASON/ADJUSTMENT</b>		
27.02/9	Kalbarczyk, Piotr & Alicja 76-78 E. Church Street	Change in Use (2) to (1) E.D.U.

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolution #129-2013 was moved on a motion made by Torres, seconded by Higgins and approved.

Ayes: 6, Nays: 0  
Motion Carried

**Resolution 131-2013 Approval ABC License Philbert's Pub**

**RESOLUTION #131-2013**  
**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Philbert's Pub  
101 West Washington Avenue  
Washington, NJ 07882

From July 1, 2013 – June 30, 2014, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to

discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #131-2013 was moved on a motion made by Higgins, seconded by Conry and approved.

Ayes: 6, Nays: 0  
Motion Carried

### **Resolution 136-2013 Manager**

#### **RESOLUTION # 136-2013** **A RESOLUTION APPROVING RESIDENCY OF** **BOROUGH MANAGER**

**WHEREAS**, New Jersey Statutes Annotated 40:82-2 provides for a residency requirement for a Municipal Manager; and

**WHEREAS**, New Jersey Statutes Annotated 40:82-2 also provides for a waiver of the residency requirement upon approval of the municipal council; and

**WHEREAS**, the Borough Council agrees that Borough Manager Kristine Blanchard may reside within a five mile radius of the Borough of Washington since the proximity of such residence is within a reasonable distance of the Borough of Washington; and

**WHEREAS**, the Mayor and Council of the Borough of Washington hereby confirm and permit the out of town residency within a five mile radius of the Borough of Washington, of the Borough Manager Kristine Blanchard; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the residency requirement of N.J.S.A. 40:82-2 for the Borough Manager, Kristine Blanchard is hereby waived to permit her to reside within a five mile radius of the Borough of Washington.

Resolution #136-2013 was moved on a motion made by Higgins, seconded by Torres and approved.

Ayes: 6, Nays: 0  
Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,281,739.67

Council Discussion:

Councilman Torres questioned why a charge for CD cases on page 6 was taken out of petty cash. Manager Blanchard replied that usually the limit for petty cash is fifty dollars and in this case advanced permission to exceed that limit was not given.

Councilman Torres also questioned the charge on page 8 for the ball field lights at Boro Park. Manager Blanchard stated that the Borough pays for all the utilities. Councilman Torres replied that the Recreation Commission is charging for the use of the lights and the Borough is paying the bills. Manager Blanchard has stated that she has had this conversation with the Recreation Commission and they feel they do above and beyond for the community and feel the Borough should continue to pay the bills. Councilwoman Gleba added that the Recreation Commission should reimburse the Borough the amount they are charging for the lights. Councilman Torres also added that the Borough is paying for Recreation's gasoline as well.

Councilman Thompson questioned why the Borough is still paying for basketball referees when the season has been over for months. Manager Blanchard stated that they must have sent their vouchers in late and that they should be getting them in within thirty days.

Councilwoman Gleba asked if the vouchers were approved before Council gets the list for review. Manager Blanchard replied that they are reviewed by CFO Turchan and then approved by the Manager. Councilwoman Gleba also asked that the charges for the air conditioning be moved out of the fire department and into buildings and maintenance.

Motion made by Higgins, seconded by Thompson and approved.

Roll Call: Gleba, Torres, McDonald, Conry, Thompson, Higgins

Ayes: 6, Nays: 0

Abstain: Thompson – Fire Dept. & EMS

Higgins – Fire Dept.

**MEETING RECAP:**

Manager Blanchard will follow up with the Recreation Director once the formal complaint paperwork is received from Ms. Feldman. Manager Blanchard will also look into why the Borough is paying 49.9% of the costs for the Shared Service Agreement for Library Services to answer Councilman Higgins concerns. Manager Blanchard will change the wording of the resolution to reflect that the post office was responsible for the damage that occurred. Manager Blanchard will also move the charges for the ball field lights to the Recreation Commission. Manager Blanchard will also check into the light charges in relation to Cattelle Court.

**Resolution 137-2013 Awarding Bid to Lowest Responsible Bidder**

**RESOLUTION #137 - 2013**

**WHEREAS**, the Borough of Washington (“Borough”), issued bid specifications for a new DPW four wheel drive loader; and

**WHEREAS**, four bids were received, but the lowest responsible bid was received from Powerco, Inc. of 12 Route 173 W., Clinton, NJ, 08809 for a base bid price of \$105,555, together with an alternate bid price of \$10,560, for a total bid of \$116,115,; and

**WHEREAS**, the Borough wishes to accept the bid of Powerco, Inc. in this matter;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

1. The bid for a new DPW four wheel drive loader a is hereby accepted from Powerco, Inc. of 12 Route 173 W., Clinton, NJ 08809, for a base bid price of \$105,555.00, together with an alternate bid price of \$10,560.00, for a total bid of \$116,115.00.
2. Subject to delivery and payment occurring as described in the bid specifications or as agreed to by the Borough Manager and Borough Engineer.
3. Contract to be executed by the Borough of Washington no earlier than 45 days following the bid award.

Resolution #137-2013 was moved on a motion made by Higgins, seconded by McDonald to award Powerco as the lowest responsible bidder for the DPW loader and approved.

Roll Call: Gleba, Torres, McDonald, Thompson, Conry, Higgins  
Ayes: 5, Nays: 0  
Abstain: (1) Gleba  
Motion Carried

**COUNCIL REMARKS:**

Councilman Torres noted that the flag at the library was not up for Flag Day and is still not up.

Councilman Thompson commented that Tilcon is making progress and the road work is under way and may be done by the end of the week.

Councilman Higgins asked Manager Blanchard when the sewer lines on Gardeners Court would be looked at. Manager Blanchard replied that they will be televised and cleaned next week. Councilman Higgins commented that the roads, especially North Jackson Avenue look good. Councilman Higgins stated that he has been taken off active role in the Fire Department since September 2012. He asked how long must he wait until he no longer needs to abstain from any matters relating to the Fire Department. Attorney Kopen will look into the Fire Department provisions for membership. Councilman Higgins also added that Councilman Jewell was married this past Saturday and congratulations to both Mr. and Mrs. Jewell.

Mayor McDonald noted that he had correspondence from Senator John DeMaio congratulating the Borough on the award for the Clean Communities Entitlement Program.

**EXECUTIVE SESSION:**

Resolution #133-2013 Executive Session Authorization

A motion was made by Torres, seconded by Thompson, to go into Executive Session for personnel matters after a five minute break.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 133-2013**  
**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to

be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_personnel\_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_  
\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Higgins, seconded by Torres, to go out of Executive Session.

Ayes: 6, Nays: 0  
Motion Carried

Hearing no further business, a motion made by Higgins, seconded by Thomson to adjourn the meeting at 9:45p.m.

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Kristine Blanchard, RMC Borough Clerk